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April 1, 2025

VIA ECF

Honorable Paul A. Engelmayer
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: L.W. et al v. New York City Department of Education
Case No: 24-cv-9701-PAE

Dear Judge Engelmayer:

I am an Assistant Corporation Counsel representing the New York City Department of Education ("Defendant") in the above-referenced action. I write jointly with Plaintiff's counsel, Mark Gutman, Esq., to provide the Court with the Parties' positions regarding the initial pre-trial conference ("IPTC") scheduled for Thursday, April 3, 2025, at 3:00 p.m. As further explained below, the Parties respectfully request that the IPTC be adjourned *sine die*.

As this matter is an appeal of an administrative decision centered on whether L.C.W.'s unilateral placement at Winston's Online Program during the 2023-2024 school year was appropriate, the Parties agree that an IPTC and/or mediation would be unnecessary. The Parties believe this matter can be resolved through motions for summary judgment based upon the certified administrative record. Both parties have received a copy of the certified record.

In light of the foregoing, the Parties propose the following briefing schedule for the Parties' respective motions for summary judgment.

May 5, 2025: Plaintiff to file their motion for summary judgment;

June 9, 2025: Defendant to file its cross-motion for summary judgment and opposition to Plaintiff's motion for summary judgment;

July 7, 2025: Plaintiff to file their opposition to Defendant's cross-motion and reply.

August 6, 2025: Defendant to file its reply in further support of its cross motion, if any.

Please also find attached hereto the Parties' Joint Civil Case Management Plan and Scheduling Order. Kindly note that the Parties agree that no formal discovery is required beyond filing the certified administrative record.

Moreover, it is also respectfully submitted that because the inquiry here is not whether there are disputed issues of fact, the Rule 56.1 statements should be waived. While in IDEA actions, "the parties and the court typically style the decision as a ruling on a motion for summary judgment, [] 'the procedure is in substance an appeal from an administrative decision, not a summary judgment motion.'" *Bd. Of Educ. v. C.S.*, 990 F.3d 156, 165 (2d Cir. 2021) (quoting *M.H. v N.Y.C. Dep't of Educ.*, 685 F.3d 217, 226 (2d Cir. 2012)). Because the Parties' motions will be based solely on the administrative record, the Parties jointly and respectfully request that the Court waive the submission of 56.1 statements.

Thank you for your consideration in this matter.

Very truly yours,


John Doody

John Doody
Assistant Corporation Counsel

cc: Plaintiff's counsel (via ECF)

The Court thanks the parties for this letter. The Court hereby adjourns the initial pretrial conference *sine die* and adopts the parties' proposed briefing schedule. For the reasons stated by the parties, the Court waives the submission of Local Rule 56.1 statements.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: April 1, 2025
New York, New York